

13.11.1

(לא גזרו ביה רבנן) 98b → (משנה א) 97a

1.	ואיש אשר יקח את אחתו בת אביו או בת אמו וראה את ערוته והיא תראה את ערותו... ויקרא כ"ז
2.	ערוות בת בנה או בת בתה לא תגלה ערוותו כי ערותה הנה: ויקרא פרק יח פסוק י
3.	ערוות אשה ובתה לא תגלה את בת בנה ואת בת בתה לא תגלה ערוותה שארה הנה זמה הוא: ויקרא פרק יח פסוק יז
4.	לא יקח איש את אשת אביו ולא יגלה כנף אביו: דברים פרק כג פסוק א
5.	ונתן האיש השקב עמה לאבי הנער חמשים כסף ולו תהיה לאשה תחת אשר ענה לא יוכל שלחה כל ימיו: דברים פרק כב פסוק כט
6.	ותעגבה על פלגשיהם אשר בשר חמורים בשרם וזרמת סוסים וזרמתם: יחזקאל פרק כג פסוק כ
7.	ויהי דבר ה' אל יונה שנית לאמר: יונה פרק ג פסוק א
8.	הוא השיב את גבול ישראל מלבוא חמת עד ים הערבה כדבר ה' אלהי ישראל אשר דבר ביד עבדו יונה בן אמיטי הנביא אשר מגת החפר: מ"ב יד: כה

- I א prohibition of kin and vice-versa
  - a permitted to marry kin of אנוסה ומפותה – after her death
    - i it is אסור while she is alive; due to the marriage, they may have close encounters מד"ס
    - ii source for היתר: regarding עריות (e.g. daughter, male), תורה prohibits "שכיבה"; regarding עריות through marriage, תורה uses "לקיחה" → only if relationship was established by marriage
    - iii challenge: v. 1 – (uses קיחה in context of אחותו)
    - iv answer: קיחה is an equivoke; where it cannot mean marriage (e.g. v. 1), means שכיבה
    - v Alternate source: resolution of contradiction of vv. 2/3 – prohibition of wife's daughter is if she is wife, not אנוסה
  - b חייב – with kin of wife אונס ופתי
  - c אנוסת/מפותת אביו ואנוסת/מפותת בנו
    - i חכמים – permissible
    - ii ר' יהודה - permissible if it is the אנוסה/מפותת of his son; forbidden if of his father
      - 1 source: v. 4 juxtaposed to v. 5 (→ talking about אנוסה)
      - 2 contra: רבנן see 1<sup>st</sup> half of פסוק as interruption → reference is יבם (triple [במה] לאו)
- II Riddles people use to describe their unusual birthing circumstances: (F:Father; G: girl; X: speaker; S:Son; D: daughter)
  - a Riddle: "my paternal brother married my mother":
    - i Explanation: F raped G, who birthed X; S married G, whose daughter (X) is his paternal sister
    - ii Note: cannot work within יהודה ר' ruling
  - b Riddle: "my son is my brother, the one I carry"
    - i Explanation: F rapes D, producing S, who is also her brother
  - c Riddle: "greetings my son, I am your niece"
    - i Explanation: F rapes his daughter's D, producing S, who is his mother's maternal uncle
  - d Riddle: "the one I am carrying is my son and I am the daughter of his brother"
    - i Explanation: man rapes his son's D, producing S who is also her paternal uncle
  - e Riddle: "my father is my brother, my 'man' and the son of my 'man', also the 'man' of my mother and I am the daughter of his 'woman' and he doesn't give bread to the orphaned sons of his daughter"
    - i Explanation: man rapes his mother, who then produces D, whom he rapes, after which his father (husband of his mother) also rapes that daughter, producing sons
  - f Riddle: "you and I are brothers; your father and I are brothers; your mother and I are siblings"
    - i Explanation: man rapes his mother, producing 2 daughters, 1 of whom he rapes, producing S, who says this
  - g Riddle: "you and I are 1<sup>st</sup> cousins, your father and I are 1<sup>st</sup> cousins, your mother and I are 1<sup>st</sup> cousins:
    - i Explanation: (could even be בהיתר): B1 has 2 daughters; D1 marries B2; D2 marries son of B3; son of B2 says this to grandson of B3

## III גיורת ושפחה: fraternity between children of a

- a if a woman converts (or is liberated) with her children, even if one was conceived after conversion and the older one before – no fraternity and no זיקת ייבום
- i dispute between ר' אהא בר יעקב and ר' ששת regarding siblings who converted vis-à-vis in re עריות
- 1 (בשאל אסור: ר' ששת (precaution against allowing such a relationship)
  - 2 ר' אהא בר יעקב: permitted – perhaps even in case where they are maternal brothers; a גר is “newly born”
  - 3 *Attempted proof*: from our משנה, which uses אפילו to highlight that even if both are born as ישראל, אחווה no
    - (a) *Proof1*: seems that the wives of these brothers are אסורות → supporting ר' ששת
    - (b) *Rejection*: might be that they are permitted, just not obligated → supporting ר' אהא
    - (c) *Proof2*: inversion of proof1 – also rejected
  - 4 *Attempted proof*: twin brothers who convert aren't חייבים on account of אשת אח
    - (a) *Implication*: but they are forbidden
    - (b) *Rejection*: they are also allowed – “חייב”: parallel construction with סיפא (חייבים)
- ii רבא: ruling that there is no paternity among Egyptians isn't due to promiscuity, rather v. 6 (ה' made their seed “orphaned”)
- iii גיור יוסי's report – discounted, as it involved a man marrying his brother's ex-wife, from before גיור
- iv story about ר"ע permitting 7 גרים, all brothers, to marry each other's wives
- 1 story accepted, even though it was a ruling “after the case”, since there was another report with it, explaining שנית in v. 7, in spite of v. 8; שנית means ה' never spoke to יונה re: נינוה again
- v *attempted proof*: ברייתא: a גר who was conceived pre-גיור and born afterwards only has kinship through mother:
- 1 maternal sister – forbidden (must divorceP; paternal sister – permitted
  - 2 if he married a woman and her daughter – keep one and divorce the other; לכתחילה forbidden
    - (a) לכתחילה refers to רבנן's statement that if he marries his paternal sister, he may stay married
  - 3 if he married a woman, he may or may not marry her mother
    - (a) may: according to ר"ע, that this איסור is lighter בשאל, no גזרה to גרים
    - (b) may not: according to ישמעאל, ר' איסור חמותו, ר' ישמעאל is equally in effect after death – גזרה לגרים